

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTEMIO JIMENEZ-REJON,

Defendant.

8:16CR153

ORDER

This matter is before the Court on Artemio Jimenez-Rejon's ("Jimenez-Rejon") Notice of Appeal and Motion for Leave to Appeal in Forma Pauperis (Filing Nos. 183 and 184). *See* Fed. R. App. P. 4(b), 24(a). On April 26, 2022, the Court denied (Filing No. 182) Jimenez-Rejon's Motion for Modification and Reduction of Sentence (Filing No. 180). Jimenez-Rejon filed his notice of appeal on August 26, 2022, challenging that decision. He now seeks leave to appeal in forma pauperis.

Under Rule 4(b)(1)(A)(i), "a defendant's notice of appeal must be filed in the district court within 14 days" after the entry of the judgment or order being appealed. This requirement is both "mandatory and jurisdictional." *Skender v. Eden Isle Corp.*, 33 F.4th 515, 519 (8th Cir. 2022) (quoting *Bowles v. Russell*, 551 U.S. 205, 209 (2007)).

Still, a district court has authority to extend the time to file a notice of appeal "upon a finding of excusable neglect or good cause." Fed. R. App. P. 4(b)(4)); *United States v. Campbell*, 971 F.3d 772, 774 (8th Cir. 2020). That extension is limited to "a period not to exceed 30 days from the expiration of the time otherwise prescribed" by Rule 4(b). Fed. R. App. P. 4(b)(4).

The Court issued the order Jimenez-Rejon seeks to appeal on April 26, 2022. Fourteen days later would have been May 10. Jimenez-Rejon failed to file a timely notice

of appeal in that fourteen-day period, and he has not provided any explanation or justification for his delay. Even if the Court were to extend the filing time for “excusable neglect or good cause,” it could only be extended to June 9, thirty days after the May 10 initial deadline. Jimenez-Rejon’s August 26 filing date is more than two months later and is therefore untimely. Accordingly,

IT IS ORDERED:

1. Artemio Jimenez-Rejon’s Notice of Appeal (Filing No. 183) is dismissed as untimely.
2. Artemio Jimenez-Rejon’s Motion for Leave to Appeal in Forma Pauperis (Filing Nos. 184) is denied.

Dated this 9th day of September 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge